R. O. C. No. 1718/44/Legis.

The following Bill, together with the Statement of Objects and Reasons, is published, as ordered by the Dewan, under Rule 31 of the Travancore Legislative Rules.

Huzur Cutcherry,
Trivandrum, 15th September 1944.

G. PARAMESWARAN PILLAI,
Chief Secretary to Government.

THE TRAVANCORE DISPOSITION OF PROPERTY BILL.

A Bill to remove certain existing diabilities in respect of the power of disposition of property by persons domiciled in Travancore for the benefit of persons not in existence at the date of such disposition.

Whereas it is expedient to remove certain existing disabilities in respect of the power of disposition of property for the benefit of persons not in existence at the date of such disposition; it is hereby enacted as follows:-

Preamble.

1. (1) This Act may be called the Travancore Disposition of Property Act, 1120.

Short title, extent and commencement.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. Subject to the limitations and provisions specified in this Act, no disposition of property by a person whether by transfer *inter vivos* or by will whenever made, shall be invalid by reason only that any person for whose benefit it has been made was not in existence at the date of such disposition:

Dispositions for the benefit of persons not in existence.

Provided that nothing contained in this section shall affect *bona-fide* transferees for valuable consideration in whom the property has vested prior to the date of this Act.

3. Whereon a transfer *inter vivos* or by Will of property an interest therein is created for the benefit of a person not in existence at the date of the transfer subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect unless it extends to the whole of the remaining interest of the transferor in the property.

Transfer for benefit of unborn person.

4. No transfer *inter vivos* or by Will of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer and the minority of some person who shall be in existence at the expiration of that period and to whom if he attains full age the interest created is to belong.

Rule against perpetuity.

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When unborn son acquires vested interest on transfer for his benefit.

5. Where on a transfer *inter vivos* or by Will of property an interest therein is created for the benefit of a person not then living he acquiries upon his birth unless a contrary intention appears from the terms of the transfer a vested interest although he may not be entitled to the enjoyment thereof immediately on his birth.

Transfer to class some of whom may come under Sections 3 or 4.

6. If a transfer *inter vivos* or by Will is made to a class of persons with regard to some of whom it is inoperative by reason of the provisions of Section 3 or Section 4, such transfer shall be wholly void.

Transfer to take effect on failure of transfer void under Sections 3, 4, or 6.

7. Where a transfer is void by reason of any of the provisions of Section 3, or 4, or Section 6, any transfer intended to take effect after or upon, failure of such prior transfer is also void.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to the intentions of an acquirer of property to provide for those persons for whom human nature and traditional instincts impel him to do so. The law at present insists that only persons who are in existence on the date of the settlement, or, on the date on which the Will takes effect, if the disposition is by Will, can be the recipients of the benefit thereunder. This is an unnecessary restraint on the freedom of disposition of property and often comes into conflict with the natural wishes of people. Children should also be permitted by law to come in as beneficiaries. In the experience of all, and particularly, of lawyers and Judges, numerous cases have arisen where provisions for after-born persons have been made by the settlers of property. The law in British India has validated such dispositions by Sections 13 to 15 of the Transfer of Property Act and by the Hindu Disposition of Property Act of 1916. The Hindu Transfers and Bequests Act of 1914 of Madras is another instance of such legislation. A Legislation on the lines of this Bill for Travancore has been too long delayed.

C. S. LEKSHMANA IYER,
Member, Sri Mulam Assembly.

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NOTICE.

The following Bill, leave to introduce which has been granted by the Sri Chitra State Council at its meeting held on the 13th September 1944, is published for general information.

Trivandrum,
14th September, 1944.

S. VAIDYANATHA AIYAR,
Secretary to the Sri Chitra State Council.

THE TRAVANCORE KAMMALA BILL.

Whereas it is expedient to define and amend the law relating to marriage, succession and adoption among the Malayala Kammalas (Viswakarmas) : It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called The Travancore Kammala (Viswakarma) Act, 111—

(2) It shall come into force at once.

(3) It shall apply to all Malayala Kammalas domiciled in Travancore and to such other Kammalas whether so domiciled or not, as have, or shall have marital relations with Malayala Kammalas domiciled in Travancore and also to all Malayala Kammalas wherever domiciled in respect of their properties in Travancore.

(4) This Act shall not apply to Tamil Kammalas.

2. In this Act unless there is something repugnant in the subject or context—

(1) 'Kammala' means and includes all Malayala Kammalas (Viswakarmas) called Asari, Kollan, Thattan, Moosari, Kallasari and others known or recognised as members of the Malayala Kammala (Viswakarma) community.

(2) 'Minor' means a person who has not completed eighteen years of age.

CHAPTER II.

Marriage and its Dissolution.

3. The conjugal union of a Kammala male subject to the restrictions of consanguinity and affinity with a Kammala female openly solemnised by tying the *tali* around the neck of the female by the male shall be deemed to be a valid marriage for all legal purposes :

Provided that no conjugal union solemnised after the date on which this Act comes into force shall in the case of a male who has

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